

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

GELACIO RINCON AVITIA
Plaintiff,

v.

Case No. 14-C-12

CAROLYN W. COLVIN,
Acting Commissioner of the Social Security Administration
Defendant.

ORDER

Plaintiff Gelacio Rincon Avitia seeks judicial review of the denial of his application for social security disability benefits. Ordinarily, a plaintiff must pay a statutory filing fee to bring an action in federal court, 28 U.S.C. § 1914(a), but plaintiff requests leave to proceed in forma pauperis. Under 28 U.S.C. § 1915(a), an indigent party may commence a federal court action, without paying required costs and fees, upon submission of an affidavit asserting inability “to pay such fees or give security therefor” and stating “the nature of the action, defense or appeal and affiant’s belief that the person is entitled to redress.” 28 U.S.C. § 1915(a)(1).

Plaintiff has filed the required affidavit. Upon review of that affidavit, the court is satisfied that he satisfies the requirements of § 1915. Plaintiff avers that he is unemployed with no income other than public assistance. He owns no real estate, vehicles, or other valuable assets. He lives with his nephew and relies on loans from his brother to pay bills. Finally, plaintiff avers that he believes he is entitled to relief in this action, and on review of the complaint the court is unable to determine that the action is frivolous or that the complaint fails to state a claim.

THEREFORE, IT IS ORDERED that plaintiff's motion for leave to proceed in forma pauperis (R. 3) is **GRANTED**. The file will be returned to the Clerk of Courts for service on defendant.

Plaintiff is advised to provide defendant or her counsel with copies of all future motions or papers filed by plaintiff in this action.

Dated at Milwaukee, Wisconsin this 7th day of January, 2014.

/s Lynn Adelman

LYNN ADELMAN
District Judge